

HOUSE BILL 2070

By Leatherwood

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7, Part 5; Title 36; Title 37 and Title 68,
relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(27)(C) and substituting:

(C) The commission of an act toward the child prohibited by § 39-13-309, §§ 39-13-502 — 39-13-504, § 39-13-515, § 39-13-522, § 39-13-527, § 39-13-531, § 39-13-532, § 39-15-302, § 39-15-402, § 39-17-1004, § 39-17-1005, or the knowing failure to protect the child from the commission of such an act toward the child;

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (b) and substituting:

(b)

(1) The prospective adoptive parent or parents, including extended family members caring for a related child, a licensed child-placing agency having physical custody of the child, the child's guardian ad litem, or the department have standing to file a petition pursuant to this part or title 37 to terminate parental or guardianship rights of a person alleged to be a parent or guardian of the child. The prospective adoptive parents, including extended family members caring for a related child, have standing to request termination of parental or guardianship rights in the adoption petition filed by them pursuant to this part.

(2)

(A) When one (1) of the child's parents has been convicted of aggravated rape pursuant to § 39-13-502, rape pursuant to § 39-13-503, or rape of a child pursuant to § 39-13-522, from which crime the child was conceived, the child's other parent has standing to file a petition to terminate the parental rights of the convicted parent.

(B) When one (1) of the child's parents has been convicted of one (1) of the offenses specified in subdivision (g)(11)(A)(ii), the child's other parent has standing to file a petition to terminate the parental rights of the abusive parent.

(C) When one (1) of the child's parents or legal guardians has been convicted of attempted first degree murder or attempted second degree murder of the child's other parent or legal guardian, the child's non-offending parent or legal guardian has standing to file a petition to terminate the parental or guardianship rights of the convicted parent or legal guardian.

(3) This section does not give a parent or legal guardian standing to file a petition to terminate parental or guardianship rights based on grounds other than those listed in subdivision (b)(2).

(4) The court shall notify the petitioning parent that the duty of future child support by the parent who is the subject of the termination petition will be forever terminated by entry of an order terminating parental rights.

SECTION 3. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subdivision (g)(10)(B) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subdivision (g)(11)(B) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subdivision (g)(15)(B) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 36-1-113(g)(11)(A)(ii), is amended by adding the following as new subdivisions:

- () Trafficking for a commercial sex act, pursuant to § 39-13-309;
- () Promoting prostitution, pursuant to § 39-13-515;
- () Sexual battery by an authority figure, pursuant to § 39-13-527;
- () Aggravated rape of a child, pursuant to § 39-13-531;
- () Statutory rape by an authority figure, pursuant to § 39-13-532;
- () Aggravated child abuse and aggravated child neglect or endangerment, pursuant to § 39-15-402;

SECTION 7. Tennessee Code Annotated, Section 36-1-123(b), is amended by deleting the language "Actions to enforce such order post-adoption may be brought in the court that issued the order or in the court hearing the adoption" and substituting instead "Actions to enforce or modify such order post-adoption may be brought by the adoptive parent in the court that issued the order or in the court that heard the adoption".

SECTION 8. Tennessee Code Annotated, Section 36-1-122(b), is amended by adding the following as a new subdivision (b)(4):

- (4) After a final order of adoption is entered, an order must not be entered requiring visitation or other contact between an adopted person and a biological parent or other biologically related person unless the order is entered pursuant to § 36-1-145.

SECTION 9. Tennessee Code Annotated, Section 36-1-102, is amended by deleting subdivision (15)(C) and substituting:

- (C) The process as described in § 36-1-117(g) by which a parent co-signs an adoption petition with prospective adoptive parents who are unrelated to the child to be

adopted for the purpose of agreeing to make the child available for adoption by the co-petitioning prospective adoptive parents, and that permits the court to enter an order of guardianship to give the adoptive parents custody and supervision of the child pending completion or dismissal of the adoption proceeding or pending revocation of the consent by the parent. This process must be called a "parental consent";

SECTION 10. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (g)(2) and substituting:

(2) It is specifically and expressly declared that the act of signing the adoption petition does not terminate the parental rights of such parent until the court where the adoption petition is filed has entered an order confirming the parental consent. Prior to the court entering an order confirming the parental consent:

(A) The parent shall answer, in writing and under oath, each of the questions required pursuant to § 36-1-111(b)(4), and submit the parent's answers to the court on a substantially similar form; and

(B) The court shall:

(i) Witness the parent's or guardian's signature on the form; and

(ii) Confirm the parental consent by verifying the parent's answers to the questions required pursuant to § 36-1-111(b)(4), and by witnessing the parent's signature on an affidavit acknowledging the parental consent.

SECTION 11. Tennessee Code Annotated, Section 36-1-111, is amended by deleting subdivision (j)(3)(A) and substituting:

(A) In all other respects, prior to the entry of an order confirming the parental consent, the court, or other persons authorized by this part to accept surrenders, shall:

(i) Witness the actual act of surrender by witnessing the parent's or guardian's signature on the surrender form; or

(ii) Confirm the parental consent by verifying the parent's answers to the questions required pursuant to subdivision (b)(4), and by witnessing the parent's signature on an affidavit acknowledging the parental consent.

SECTION 12. Tennessee Code Annotated, Section 36-1-115, is amended by deleting subsection (d) and substituting:

(d) The petitioner or petitioners shall live and maintain their regular place of abode in this state when the adoption is filed. Nonresidents may also file a petition to adopt a child in this state if they file the petition in the county where a court granted the nonresidents or a licensed child-placing agency or institution operating under the laws of this state partial or complete guardianship or legal custody of the child, or where the child was placed in the legal custody of the licensed child-placing agency or the department of children's services.

SECTION 13. Tennessee Code Annotated, Section 36-1-113(g)(5), is amended by deleting the language "two (2) or more years" and substituting the language "more than two (2) years".

SECTION 14. Tennessee Code Annotated, Section 36-1-113(g)(9), is amended by adding the following as a new subdivision (g)(9)(C):

(C) For the purposes of this subdivision (g)(9), resuming or starting visitation or support after the filing of a petition seeking to terminate parental or guardianship rights or seeking the adoption of a child does not rectify a ground for termination pursuant to this subdivision (g)(9) and is not a defense to a ground for termination pursuant to this subdivision (g)(9).

SECTION 15. Tennessee Code Annotated, Title 36, Chapter 1, Part 1, is amended by adding the following as a new section:

Notwithstanding §§ 36-1-102, 36-1-125, 36-1-126, 36-1-127, 68-3-313, or another law to the contrary, all adoption records, sealed adoption records, and unsealed adoption records deemed to be confidential pursuant to this part will be a public record and open to inspection when one hundred (100) years have elapsed since the date the adoption was finalized. If an adoption was not finalized, or the date the adoption was finalized is not clearly indicated in the adoption record, then the adoption record will be a public record and open to inspection when one hundred (100) years have elapsed since the creation of the oldest dated item in the adoption record.

SECTION 16. Sections 9 and 11 of this act take effect at 12:01 a.m. on July 1, 2022, the public welfare requiring it. All other sections of this act take effect July 1, 2022, the public welfare requiring it.